

EXHIBIT 3

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

DANIEL HO,

Plaintiff,

v.

HIGHER GROUND, LLC *et al.*,

Defendants.

No. 10 Civ. 7870 (DAB)
ECFCASE

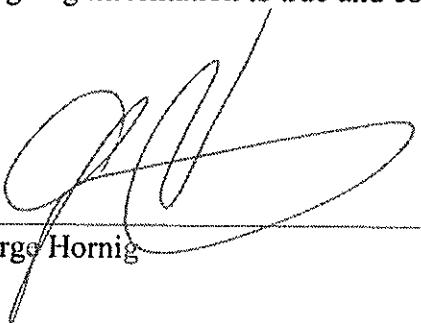
DECLARATION OF GEORGE HORNIG

I, George Hornig, swear under penalties of perjury that the following statements are true and correct based on my personal knowledge:

1. I am over the age of 18 and competent to give testimony. I am a member of Higher Ground LLC, having made two separate investments in Higher Ground in 2008. At all times since making these investments in Higher Ground, my principal residence has been at 1220 Park Avenue in New York, New York.

I swear under penalties of perjury that the foregoing information is true and correct based on my personal knowledge.

Date: December 15, 2010


George Hornig